



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5911

by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
520 ILCS 5/2.37

from Ch. 61, par. 2.37

Amends the Wildlife Code. Provides that if an individual is authorized by the Department of Natural Resources to trap a wild bird or wild mammal that is known to be destroying property or causing a risk to human health or safety upon his or her land, then the location of the traps or snares shall be exempt from the provisions of the Freedom of Information Act. Makes a corresponding change in the Freedom of Information Act. Effective immediately.

LRB098 17892 MGM 53016 b

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential under
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library Records
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records
16 received by the Experimental Organ Transplantation Procedures
17 Board and any and all documents or other records prepared by
18 the Experimental Organ Transplantation Procedures Board or its
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating to
22 known or suspected cases of sexually transmissible disease or
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the
5 Architectural, Engineering, and Land Surveying Qualifications
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under
10 the State Officials and Employees Ethics Act, and records of
11 any lawfully created State or local inspector general's office
12 that would be exempt if created or obtained by an Executive
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan
15 submitted to a municipality in accordance with a local
16 emergency energy plan ordinance that is adopted under Section
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of
19 surcharge moneys collected and remitted by wireless carriers
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or
22 driver identification information compiled by a law
23 enforcement agency or the Department of Transportation under
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review
2 Team Act.

3 (m) Information provided to the predatory lending database
4 created pursuant to Article 3 of the Residential Real Property
5 Disclosure Act, except to the extent authorized under that
6 Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial counsel as
9 provided under Sections 10 and 15 of the Capital Crimes
10 Litigation Act. This subsection (n) shall apply until the
11 conclusion of the trial of the case, even if the prosecution
12 chooses not to pursue the death penalty prior to trial or
13 sentencing.

14 (o) Information that is prohibited from being disclosed
15 under Section 4 of the Illinois Health and Hazardous Substances
16 Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act or the St. Clair County
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the
26 Illinois School Student Records Act.

1 (s) Information the disclosure of which is restricted under
2 Section 5-108 of the Public Utilities Act.

3 (t) All identified or deidentified health information in
4 the form of health data or medical records contained in, stored
5 in, submitted to, transferred by, or released from the Illinois
6 Health Information Exchange, and identified or deidentified
7 health information in the form of health data and medical
8 records of the Illinois Health Information Exchange in the
9 possession of the Illinois Health Information Exchange
10 Authority due to its administration of the Illinois Health
11 Information Exchange. The terms "identified" and
12 "deidentified" shall be given the same meaning as in the Health
13 Insurance Accountability and Portability Act of 1996, Public
14 Law 104-191, or any subsequent amendments thereto, and any
15 regulations promulgated thereunder.

16 (u) Records and information provided to an independent team
17 of experts under Brian's Law.

18 (v) Names and information of people who have applied for or
19 received Firearm Owner's Identification Cards under the
20 Firearm Owners Identification Card Act or applied for or
21 received a concealed carry license under the Firearm Concealed
22 Carry Act, unless otherwise authorized by the Firearm Concealed
23 Carry Act; and databases under the Firearm Concealed Carry Act,
24 records of the Concealed Carry Licensing Review Board under the
25 Firearm Concealed Carry Act, and law enforcement agency
26 objections under the Firearm Concealed Carry Act.

1 (w) Personally identifiable information which is exempted
2 from disclosure under subsection (g) of Section 19.1 of the
3 Toll Highway Act.

4 (x) Information which is exempted from disclosure under
5 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
6 Illinois Municipal Code.

7 (y) Confidential information under the Adult Protective
8 Services Act and its predecessor enabling statute, the Elder
9 Abuse and Neglect Act, including information about the identity
10 and administrative finding against any caregiver of a verified
11 and substantiated decision of significant abuse, neglect, or
12 financial exploitation of an eligible adult maintained in the
13 Department of Public Health's Health Care Worker Registry.

14 (z) Records and information provided to an at-risk adult
15 fatality review team or the Illinois At-Risk Adult Fatality
16 Review Team Advisory Council under Section 15 of the Adult
17 Protective Services Act.

18 (aa) Information which is exempted from disclosure under
19 Section 2.37 of the Wildlife Code.

20 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,
21 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,
22 eff. 7-1-13; 98-63, eff. 7-9-13; revised 7-23-13.)

23 Section 10. The Wildlife Code is amended by changing
24 Section 2.37 as follows:

1 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

2 Sec. 2.37. Authority to kill wildlife responsible for
3 damage. Subject to federal regulations and Section 3 of the
4 Illinois Endangered Species Act, the Department may authorize
5 owners and tenants of lands or their agents to remove or
6 destroy any wild bird or wild mammal when the wild bird or wild
7 mammal is known to be destroying property or causing a risk to
8 human health or safety upon his or her land.

9 Upon receipt by the Department of information from the
10 owner, tenant, or sharecropper that any one or more species of
11 wildlife is damaging dams, levees, ditches, cattle pastures, or
12 other property on the land on which he resides or controls,
13 together with a statement regarding location of the property
14 damages, the nature and extent of the damage, and the
15 particular species of wildlife committing the damage, the
16 Department shall make an investigation.

17 If, after investigation, the Department finds that damage
18 does exist and can be abated only by removing or destroying
19 that wildlife, a permit shall be issued by the Department to
20 remove or destroy the species responsible for causing the
21 damage.

22 A permit to control the damage shall be for a period of up
23 to 90 days, shall specify the means and methods by which and
24 the person or persons by whom the wildlife may be removed or
25 destroyed, and shall set forth the disposition procedure to be
26 made of all wildlife taken and other restrictions the Director

1 considers necessary and appropriate in the circumstances of the
2 particular case. Whenever possible, the specimens destroyed
3 shall be given to a bona-fide public or State scientific,
4 educational, or zoological institution.

5 The permittee shall advise the Department in writing,
6 within 10 days after the expiration date of the permit, of the
7 number of individual species of wildlife taken, disposition
8 made of them, and any other information which the Department
9 may consider necessary.

10 Subject to federal regulations and Section 3 of the
11 Illinois Endangered Species Act, the Department may grant to an
12 individual, corporation, association or a governmental body
13 the authority to control species protected by this Code. The
14 Department shall set forth applicable regulations in an
15 Administrative Order and may require periodic reports listing
16 species taken, numbers of each species taken, dates when taken,
17 and other pertinent information.

18 Drainage Districts shall have the authority to control
19 beaver provided that they must notify the Department in writing
20 that a problem exists and of their intention to trap the
21 animals at least 7 days before the trapping begins. The
22 District must identify traps used in beaver control outside the
23 dates of the furbearer trapping season with metal tags with the
24 district's name legibly inscribed upon them. During the
25 furtrapping season, traps must be identified as prescribed by
26 law. Conibear traps at least size 330 shall be used except

1 during the statewide furbearer trapping season. During that
2 time trappers may use any device that is legal according to the
3 Wildlife Code. Except during the statewide furbearer trapping
4 season, beaver traps must be set in water at least 10 inches
5 deep. Except during the statewide furbearer trapping season,
6 traps must be set within 10 feet of an inhabited bank burrow or
7 house and within 10 feet of a dam maintained by a beaver. No
8 beaver or other furbearer taken outside of the dates for the
9 furbearer trapping season may be sold. All animals must be
10 given to the nearest conservation officer or other Department
11 of Natural Resources representative within 48 hours after they
12 are caught. Furbearers taken during the fur trapping season may
13 be sold provided that they are taken by persons who have valid
14 trapping licenses in their possession and are lawfully taken.
15 The District must submit an annual report showing the species
16 and numbers of animals caught. The report must indicate all
17 species which were taken.

18 The location of traps or snares authorized under this
19 Section, either by the Department or any other governmental
20 body with the authority to control species protected by this
21 Code, shall be exempt from the provisions of the Freedom of
22 Information Act.

23 (Source: P.A. 97-813, eff. 7-13-12; 97-959, eff. 8-15-12.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.